IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

MONDAY, THE 10TH DECEMBER 2007 / 19TH AGRAHAYANA 1929

WP(C).No. 6950 of 2005(B)

PETITIONER:

DAISY AUGUSTINE, W/O.LATE P.R.BENNY,
H.S.S.T. ST.GEORGE, HIGHER SECONDARY SCHOOL,
VAZHATHOPPU. IDUKKI.

BY ADV. SRI.GEORGE MATHEW.

RESPONDENTS:
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1. **KERALA STATE FINANCIAL ENTERPRIESES LTD.,**
   BHADRATHA, MUSEUM ROAD, THRISSUR, KERALA,
   REP. BY ITS MANAGING DIRECTOR.

2. **THE KERALA STATE FINANCIAL ENTERPRISES,**
   LIMITED, KATTAPPANA BRANCH REP. BY ITS BRANCH
   MANAGER.

BY SRI.T.NAVEEN, SC, K.S.F.E. LTD.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 10/12/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.6950/2005-B:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE CERTIFICATE DTD. 12/01/2004 ISSUED BY THE RESPONDENT TO THE PETITIONER.

EXT.P.2: COPY OF THE LETTER NO. 63002/15/98-92,93,94 DTD. 23/08/2004 ISSUED BY THE RESPONDENT.

RESPONDENT'S ANNEXURE:

ANNEXURE R1.A: COPY OF THE CIRCULAR DTD. 16/04/04.

//TRUE COPY//

prv.

K.BALAKRISHNAN NAIR, J.

Writ Petition (C) No.6950 of 2005-B

Judgment

The petitioner was the widow of late P.R.Benny. He was a subscriber of three chits run by the second respondent. He died on 07.06.2003. He was regularly paying the instalments. The petitioner, as the nominee, continued the chits and was regularly paying the instalments. While so, the 1st respondent introduced a scheme of insurance for those who pay the chit instalments regularly. Claiming the benefit of that scheme, this Writ Petition was filed.

2. The 1st respondent has filed a statement, in which the above said scheme is produced as Ext.R1(1). It was introduced on 16.04.2004, with effect from 01.04.2004. According to the 1st respondent, the said scheme will apply only to deaths taking place after the said date. It is equally applicable to existing and new subscribers. So, the petitioner whose husband died on 07.06.2003, is not entitled to the benefit of the said circular, it is submitted.

3. Heard. Going by Ext.R1(1) scheme, I am of the view that the interpretation given to it by the respondents is correct. Since the petitioner's husband died before the date of effect of that circular, the petitioner cannot claim the benefit of the said circular. Accordingly, the Writ Petition is dismissed.

10.12.2007 **K.BALAKRISHNAN NAIR,JUDGE**

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